

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MONTEZ LAMAR FULLER,

Defendant.

No. 06-cr-30117-1-DRH

ORDER

HERNDON, Chief Judge:

On July 11, 2011, the Seventh Circuit Court of Appeals entered an Order (Doc. 450) affirming this Court's denial of defendant Montez Fuller's motion for new trial (Doc. 425) and vacating in part the order denying Fuller's motion for the return of his property (Doc. 426). Specifically, the Seventh Circuit affirmed the denial of Fuller's demand for return of \$4,100, but remanded for return of the jewelry, watch, and shoes given that the government has not sought a writ of execution and currently has no greater claim to the property than Fuller. See *United States v. Kaczynski*, 416 F.3d 971, 974 (9th Cir. 2005). The Seventh Circuit further ordered this Court, on remand, to initiate collections under the Prison Litigation Reform Act for fees that are due.

Regarding the return of property, this Court notes it relied upon the government's representation in its response to Fuller's motion (Doc. 409) that it

“will levy and execute on the property” to assist in the satisfaction of the restitution award. This apparently false promise is not appreciated. In accordance with the Seventh Circuit directive, the government is hereby ORDERED to immediately return to the jewelry, watch and shoes requested by Fuller’s motion for the return of his property.

An order regarding the collection of fees from Fuller will follow pending receipt of Fuller’s trust fund information from prison officials.

IT IS SO ORDERED.

Signed this 19th day of July, 2011.

 David R. Herndon
2011.07.19
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**Chief Judge
United States District Court**